

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARVIN BROWN,

Applicant,

v.

CIVIL NO. 08-0176 JB/RHS

MIKE A. HERREDIA,

Respondents.

ORDER

The Court having entertained this habeas corpus proceeding **in forma pauperis** pursuant to 28 U.S.C. § 2254 and 28 U.S.C. § 1915, and the Court having determined that the petition is not subject to summary dismissal,

IT IS ORDERED that Respondent shall answer said petition within thirty (30) days from the date of entry of this Order. Respondent's answer shall advise, but is not limited to, whether the Petitioner has exhausted his state court remedies as to the issues raised in the federal petition. In each case, Respondent shall attach to its answer copies of any pleading pertinent to the issue of exhaustion which was filed by Petitioner in the sentencing court, the state district court, the state court of appeals and the state supreme court, together with copies of all memoranda filed by both parties in support of or in response to those pleadings. Respondent shall also attach to the answer copies of all state court findings and conclusions, docketing statements and opinions issued in Petitioner's state court post-conviction or appellate proceedings. In the event Respondent denies exhaustion, Respondent shall identify the State procedures currently available to Petitioner given the nature of Petitioner's claims and their procedural history.

IT IS FURTHER ORDERED that until such time as Petitioner may be represented by counsel the Clerk shall forward to Petitioner a copy of this order and any subsequent orders filed in this proceeding.

Robert Hayes Scott
UNITED STATES MAGISTRATE JUDGE